

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

DAMIAN ORLOWSKI, et al.,

**Plaintiffs on behalf of themselves
and all other similarly situated,**

v.

**No. 2:11-cv-01396
JURY DEMANDED**

LARRY BATES, et al.

Defendants.

**RECEIVER'S STATUS REPORT REGARDING PROPERTY SUBJECT TO
PREJUDGMENT ATTACHMENT**

John L. Ryder, as the Receiver for Information Radio Network, Inc. ("IRN"), First American Monetary Consultants, Inc. and FAMC PM, LLC (together "FAMC") (collectively the "Receivership Entities"), submits this report regarding the status of property subject to the orders of pre-judgment attachment (ECF Nos. 440 and 443) located at 3680 Winwood Farms Loop.

1. In August 2015, Plaintiffs and the Receiver attached the property located at 3680 Winwood Farms Loop occupied by Defendant Chuck Bates and his family.

2. After a hearing and consultation with Mr. Bates and his then attorney, the Receiver and Mr. Bates entered into a consent order permitting Mr. Bates to continue to use the property as long as he made payments toward the mortgage, paid property taxes and insurance, and maintained the property (ECF No. 488).

3. The consent order also permitted the Receiver to foreclose on the property if Mr. Bates breached any of the terms of the order.

4. Mr. Bates abided by the terms of the order until November 2017.

5. On November 22, 2017, Mr. Bates filed a letter in Case No. 15-2526, *Ryder v. Bates* ECF No. 138, indicating that he and his family were abandoning the property as of December 1, 2017. A true and correct copy of the letter is attached as Exhibit A.

6. In response to the letter, the Receiver contacted the electric company to transfer the utilities, contacted his insurance carrier to add the property to his policy, and informed the property manager.

7. On December 5, 2017, the property manager received a call from a neighbor of Mr. Bates. When the family abandoned the house, they also abandoned their dog. The dog appeared at the neighbor's house with a neck injury that required treatment. The neighbor asked for the dog's house and the Receiver gave the neighbor the dog house.

8. The Receiver intends to list the property for sale as soon as practicable and will file a separate notice of sale procedure at that time.

Respectfully submitted,

HARRIS SHELTON HANOVER WALSH, PLLC

BY: s/ Laura S. Martin
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Laura S. Martin Tenn. Disc. No. 26457
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Receiver and Counsel to the Receiver

CERTIFICATE OF SERVICE

I certify that on December 6, 2017, the foregoing document was served on counsel of record for Plaintiffs through the CM/ECF system, and by U.S. Mail, postage pre-paid, on Defendant Barbara Bates, 3780 Winwood Farms Loop, Middleton, TN 38052; Defendant Charles Bates, 3680 Winwood Farms Loop, Middleton, TN 38052; and Larry Bates (Inmate #27604076), Robert Bates (Inmate #27606076), and Kinsey Bates (Inmate #29635076), P.O. Box 509, Mason, TN 38049.

s/ Laura S. Martin
Laura S. Martin

RECEIVED BY

NOV 22 2017

Thomas M. Gould, Clerk
U.S. District Court
W.D. OF TN, Jackson

United States District Court
Western District of Tennessee
Western Division

John L. Ryder as Receiver for First American)
Monetary Consultants, Inc., FAMC PM LLC,)
and Information Radio Network)

(Plaintiffs)

V.

Larry Bates et al.

Defendants

Civil Action No. 2-15-2526

November 15, 2017

Laura Martin
Harris Shelton Hanover Walsh
One Commerce Square
Memphis, TN. 38103-2555

Re: 3680 Windwood Farm Loop

Ms. Martin,

Please let this letter serve as notice that the property at 3680 Windwood Farm Loop, Middleton, TN. 38052, currently under control of the receiver John Ryder by order of the Court, will be vacant by December 1, 2017.

As such we will no longer be making "rent" payments to the Receiver for the use of the property or continuing to maintain the property (utilities, insurance, landscaping, maintenance, etc.).

The house will be largely empty as the furnishings and personal household items belonging to my spouse and child will be temporarily moved to storage as they attempt to find a suitable alternative form of housing. Those items can certainly be made available

Exhibit A

for inspection should the Court deem it absolutely necessary.

We will notify both the utility company and the current insurance carrier to terminate services and coverage as of December 1, 2017.

The Exmark zero-turn mower belonging to the receivership estate, that the Receiver allowed to be used to maintain the yard, will be left secured in the garage. The mower has been maintained each season and required a new primary drive belt that was installed just a couple of months ago.

It is my sincere hope Ms. Martin that you and Mr. Ryder will finally cease your antagonisms toward my family so that my wife and child may move on and attempt to rebuild their lives.

Respectfully,

A handwritten signature in black ink, appearing to read 'Chuck Bates', with a stylized flourish at the end.

Chuck Bates